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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/308,017	05/12/1999	HOLGER LAUSCH	F-6201	5604
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JORDAN AND HAMBURG 122 EAST 42ND STREET NEW YORK, NY 10168		EXAMINER LASTRA, DANIEL		
		ART UNIT 3622		PAPER NUMBER

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/308,017

Applicant(s)

LAUSCH, HOLGER

Examiner

DANIEL LASTRA

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44-50 and 52-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 44-50 and 52-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 44-50 and 52-58 have been examined. Application 09/308,017 (METHOD AND ARRANGEMENT FOR PROJECTION AND RECEPTION OF VISUAL AND AUDIO-VISUAL MESSAGES; AND ANALYSIS THEREOF TO DETERMINE RADIUS OF ACTION AND CUSTOMER BEHAVIOR) has a filing date 05/12/1999 and is a national stage entry of PCT/EP97/06267 International Filing Date: 11/11/1997.

Response to Amendment

2. In response to Advisory Action filed 05/05/2005, the Applicant filed an RCE and amended claims 44, 50, 52, 53 and 58. Applicant's amendment overcame the Section 101 rejection.

Claim Rejections - 35 USC § 112

3. Claims 44 and 52 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 44 and 52 recite "a second range being visually and audibly isolated from said first range". Nowhere, in the Applicant's specification that limitation is recited or explained.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the

Art Unit: 3622

subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 44-50 and 52-56 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frey (U.S. 5,138,638) in view of Sizer et al (U.S. 5,923,252).

As per claim 44, Frey teaches:

A method of analyzing customer behavior *on one or more computers* to determine a range of action of projected messages presented in a form of advertising, comprising:

providing at least a first range defined as a demarcated region limited by at least an entry and an exit (see Frey column 4, lines 3-8);

contemporaneously counting *on said one or more computers, with sensors attached thereto*, a total number of individuals entering said first range at least through said entry and an other total number of the individuals leaving said first range at least through said exit (see Frey column 8, lines 1-15; column 1, lines 24-25-44; column 2, lines 60-67; column 4, lines 3-8);

determining *on said one or more computers*, a total number of potential buyers in said first range by calculating a difference between the total number and the other total number of the individuals, said total number of potential buyers being equal to the difference (see Frey column 2, line 60-column 3, line 9);

Frey fails to teach *providing a second range being visually and audibly isolated from said first range; projecting messages only in said first range to the total number of*

Art Unit: 3622

potential customers while said potential customers are in said first range, the messages identifying at least one of goods and services purchasable only by entering said second range; presenting for purchase only in said second range, to at least a portion of the total number of potential customers, the at least one of goods and services identified by messages projected in said first range; said step of projecting said messages to the potential customers occurring before said step of presenting said goods and services to the potential customers. Sizer teaches a system which can be used to deliver advertisements to a customer putting fuel in his/her car at a fuel dispenser, where said advertisements are related to products available for purchase within the fuel station (see Sizer column 5, lines 15-24). Sizer also teaches a system where a device may be installed outside a retail outlet (i.e. first range), to detect the presence of a person looking through the window of the retail outlet, for example, to deliver messages to entice the person inside (i.e. second range) (see Sizer column 5, lines 20-25). Therefore, Sizer teaches that the display of the messages is not located in the same grid. The outside of the store or the fuel dispenser area would be one grid (i.e. first range) and the inside of the store or the inside of the fuel station's store, where products are available for purchase would be a different grid (i.e. second range) (see Sizer column 5, lines 1-25). It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Frey would use the Sizer system to detect the presence of customers outside a store or the presence of customers approaching a fuel dispenser (i.e. first range) (see Sizer column 5, lines 15-20) and upon said detection said system would display advertisements to said customers (see

Art Unit: 3622

Sizer column 15, lines 35-50) to entice said customers to enter said store or a store's fuel station and purchase products related to said advertisements (i.e. second range) (see Sizer column 5, lines 15-20). This feature of displaying products' advertisements in a range different from where said products are located would help in better determine the effectiveness of in-store promotions in increasing shopping units, and whether such increase in shopper units resulted in the expected increased sales (see Frey column 3, lines 50-67; Sizer column 23, lines 40-60).

Frey teaches determining *on said one or more computers*, a total number of actual buyers of said at least a portion of the at least one of the goods and service represented by the advertising of the projected messages by measuring actual purchases thereof by said potential buyers (see Frey column 3, lines 25-67); and

recording and correlating *on said one or more computers*, the total number of potential buyers and the total number actual buyers as a basis for determining the customer behavior in relation to the advertising presented by the projected messages (see Frey column 2, line 60 – column 3, lines 67).

As per claim 45, Frey teaches:

A method according to claim 44, further comprising:

providing an other first range at a location apart from said first range (see column 3, line 63 – column 4, line 8) ;

carrying out the method in said other first range as well as in said first range (see column 4, lines 3-22; column 3, lines 20-60); and

centrally registering and evaluating the total number of potential buyers and the total number of actual buyers determined in at least said first range and said another first range (see column 3, lines 50 – column 4, line 2).

As per claim 46, Frey fails to teach:

A method according to claim 44, wherein said step of presenting includes centrally controlling the projected messages. However, Sizer teaches a system that displays target messages to customers upon detecting the presence of the customers and where the messages are centrally controlled from a remote computer (see column 7, lines 50-67). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Frey would use the Sizer system to detect the presence of customer in one or more selected locations of the store (see Frey column 4, lines 3-8) and would target and display advertisements to customers upon detecting their presence, as taught by Sizer. A central system would adjust the advertisements transmitted to the store's displays by evaluating the impact of the advertisements in increasing shopping units and sales.

As per claim 47, Frey fails to teach:

A method according to claim 44, wherein the projected message is one of a visual message and an audiovisual message. However, Sizer teaches a system that displays audiovisual messages to users upon detecting the presence of the users (see Sizer column 4, lines 13-17). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Frey would use the Sizer system to detect the presence of customer in one or more selected

Art Unit: 3622

locations of a store (see Frey column 4, lines 3-8) and would target and display audiovisual advertisements to customers upon detecting their presence, as taught by Sizer. This feature would help in determining the effectiveness of in-store promotions in increasing shopping units, and whether such increase in shopper units resulted in the expected increased sales (see Frey column 3, lines 50-67).

As per claim 48, Frey fails to teach:

A method according to claim 44, wherein the projected message is only projected to the potential customers if the total number of potential customers is at least one. However, Sizer teaches a system that displays advertisements to users upon detecting the presence of one or more users (see Sizer column 15, lines 37-50). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Frey would use the Sizer system to detect the presence of customer in one or more selected locations of a store (see Frey column 4, lines 3-8) and would displays advertisements to customers upon detecting that at least one customer is present in a detection area, as taught by Sizer. There is no purpose of displaying advertisements when there is nobody to see them.

As per claim 49, Frey fails to teach:

A method according to claim 44, wherein said step of recording and correlating data is via a worldwide link. However, Sizer teaches a system where clients, advertisers and retails location are connected via a worldwide link (see Sizer figure 5). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Frey would use the Sizer system to detect the

Art Unit: 3622

presence of customer in one or more selected locations of a store (see Frey column 4, lines 3-8) and would display advertisements to customers upon detecting their presence, as taught by Sizer. The worldwide link connection would allow to centrally control the advertisements and the marketing campaign.

As per claims 50 and 58, Frey teaches:

A method according to claim 44, wherein:

counting, in direct sequence along with the total number of individuals entering said first range through said entry and the other total number of the individuals leaving said first range through said exit, a total number of the individuals leaving said second range at least through said other exit (see Frey column 3, line 53 – column 4, line 8).

Frey does not expressly teach *said* second range *being* demarcated region having an other entry and an other exit, said exit of said first range and said other entry of said second range defining a connecting passage between said first and second ranges. Sizer teaches a system which can be used to deliver advertisements to a customer putting fuel in his/her car at a fuel dispenser (i.e. first range), where said advertisements are related to products available for purchase within the fuel station (i.e. second range) (see Sizer column 5, lines 15-24). Sizer also teaches a system where a device may be installed outside a retail outlet (i.e. first range), to detect the presence of a person looking through the window of the retail outlet, for example, to deliver messages to entice the person inside (i.e. second range) (see Sizer column 5, lines 20-25). Therefore, Sizer teaches that the display of the messages is not located in the same grid. The outside of the store or the fuel dispenser area would be one grid (i.e.

Art Unit: 3622

first range) and the inside of the store or the inside of the fuel station store where products are available for purchase would be a different grid (i.e. second range) (see Sizer column 5, lines 1-25). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Frey would use the Sizer system to detect the presence of customers outside a store or the presence of customers approaching a fuel dispenser (i.e. first range) (see Sizer column 5, lines 15-20) and upon said detection said system would display advertisements to said customers (see Sizer column 15, lines 35-50) to entice said customers to enter said store or store's fuel station (i.e. second range) and purchase products related to said advertisements (see Sizer column 5, lines 15-20). This feature of displaying products' advertisements in a range different from where said products are located would help in better determine the effectiveness of in-store promotions in increasing shopping units, and whether such increase in shopper units resulted in the expected increased sales (see Frey column 3, lines 50-67; Sizer column 23, lines 40-60).

As per claim 52, Frey teaches:

An arrangement for analyzing customer behavior to determine a range of action of projected messages presented in a form of advertising, comprising:

at least a first range defined as a demarcated region limited by at least an entry and an exit (see column 1, lines 24-31; column 3, lines 1-5; column 4, lines 3-8);

a first sensor for detecting individuals entering said first range through said entry (see column 4, lines 3-8);

a second sensor for detecting the individuals leaving said first range through said exit (see column 4, lines 3-8);

Frey fails to teach a *second range being visually and audibly isolated from said first range; a display for presenting a message only in said first range to all of the individuals while said individuals are in said first range, the message identifying at least one of goods and services purchasable only by entering said second range; said second range exclusively presenting, to at least a portion of all of the individuals, the at least one of goods and services identified by the message presented in said first range; said display of said messages being visually and audibly provided to all of the individuals before said goods and services are presented to the individuals; a register within said second range for detecting purchases of a portion of the individuals who have received the message in said first range who purchased at least one of a goods and service presented in said message (see column 3, 25-60).* Sizer teaches a system which can be used to deliver advertisements to a customer putting fuel in his/her car at a fuel dispenser (i.e. first range), where said advertisements are related to products available for purchase within the fuel station (i.e. second range) (see Sizer column 5, lines 15-24). Sizer also teaches a system where a device may be installed outside a retail outlet (i.e. first range), to detect the presence of a person looking through the window of the retail outlet (i.e. second range), for example, to deliver messages to entice the person inside (see Sizer column 5, lines 20-25). Sizer teaches a register within a second range (see Sizer "items available for purchase within the petrol station" or inside a retail outlet; column 5, lines 15-25;) for detecting purchases of a portion of

Art Unit: 3622

individuals who have received messages in said first range (see Sizer “fuel dispenser”; “outside a retail outlet”; column 5, lines 15-25) who purchased at least one of a goods or service presented in said message (see Sizer column 22, lines 17-24). Therefore, Sizer teaches that the display of the messages is not located in the same grid. The outside of the store or the fuel dispenser area would be one grid (i.e. first range) and the inside of the store or the inside of the fuel station store where products are available for purchase would be a different grid (i.e. second range) (See Sizer column 5, lines 1-25). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Frey would use the Sizer system to detect the presence of customers outside a store or the presence of customers approaching a fuel dispenser (i.e. first range) (see Sizer column 5, lines 15-20) and upon said detection said system would display advertisements to said customers (see Sizer column 15, lines 35-50) to entice said customers to enter said store or store’s fuel station (i.e. second range) and purchase products related to said advertisements (see Sizer column 5, lines 15-20, “products available for purchase within the petrol station”). This feature of displaying products’ advertisements in a range different from where said products are located would help in better determine the effectiveness of in-store promotions in increasing shopping units, and whether such increase in shopper units resulted in the expected increased sales (see Frey column 3, lines 50-67; Sizer column 23, lines 40-60).

Frey teaches a computer *communicatively connected to each of said first and second sensors, said display and said register, said computer* for determining a number

Art Unit: 3622

of potential customers in said first range by subtracting a total number of the individuals exiting the first range from a total number of the individuals contemporaneously entering said first range detected respectively by said first sensor and said second sensor, said computer further for recording and evaluating the number of potential customers and the number of actual customers (see Frey column 3, lines 25-60). Frey fails to teach and for controlling said display automatically as a function of evaluated data received from said first and second sensors, said *display and said register*. However, Sizer system would utilize the information collected by the Frey system, where the store sensors, point of sale terminals and store controller are all interconnected, to determine if a message and which message would be delivered to the detected person.

As per claim 53, Frey does not expressly teach:

An arrangement according to claim 52, further comprising: said second range *being* demarcated region limited by at least an other entry and an other exit, said second range being communicative with said first range via a passage connecting the exit of the first range with the other entry of the second range, the second sensor detecting at least the individuals passing through said passage at least from said first passage to said second passage and a third sensor for detecting the individuals leaving said second range through said other exit, the display being disposed in said first range and the at least one of the goods and service being presented in said second range, said register being disposed in the second range. However, Frey teaches "the optic modules device may be mounted overhead such as above a doorway where customers enter and leave the store. On wide doorways multiple optic modules may be used at

Art Unit: 3622

selected space intervals to insure that all shoppers entering and leaving the store are detected. The information from the optics module is communicated to a central processing unit which interprets the data from the optic module, such as determining the height category of the person and whether the person is entering or leaving the store" (see column 3, lines 16-25). Sizer teaches a system that "the total detection area is thus divided into a grid and signals received from each sensor arrangement processed to determine placement of targets within the grid and control message accordingly...When an area is sectioned, as discussed above, to avoid message being delivered in accordance with more than one area, if a target is standing across adjacent areas, for example, some overlap in the sectioning is desirable for appropriate control to ensure that only one message is delivered" (see Sizer column 17, lines 10-32). Sizer teaches a system that delivers messages to customers upon detecting the presence of said customers in an area (see Sizer column 6, lines 4-11; column 6, 31-45; column 7, lines 33-41). Sizer also teaches a system which can be used to deliver advertisements to a customer putting fuel in his/her car at a fuel dispenser (i.e. first range), where said advertisements are related to products available for purchase within the fuel station (i.e. second range) (see Sizer column 5, lines 15-24). Sizer teaches a register within a second range (see Sizer "items available for purchase within the petrol station" or inside of a retail outlet; column 5, lines 15-25) for detecting purchases of a portion of individuals who have received messages in said first range (see Sizer "fuel dispenser"; "outside of retail outlet"; column 5, lines 15-20) who purchased at least one of a goods or service presented in said message (see Sizer column 22, lines 15-25). Therefore, It

Art Unit: 3622

would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Frey would use the Sizer system to detect the presence of customers outside a store or the presence of customers approaching a fuel dispenser (i.e. first range) (see Sizer column 5, lines 15-20) and upon said detection said system would display advertisements to said customers (see Sizer column 15, lines 35-50) to entice said customers to enter said store or store's fuel station (i.e. second range) and purchase products related to said advertisements (see Sizer column 5, lines 15-20, "products available for purchase within the petrol station"). This feature of displaying products' advertisements in a range different from where said products are located would help in better determine the effectiveness of in-store promotions in increasing shopping units, and whether such increase in shopper units resulted in the expected increased sales (see Frey column 3, lines 50-67; Sizer column 23, lines 40-60).

As per claim 54, Frey teaches:

An arrangement according to claim 53, wherein said register is an electronic cash register and said third sensor at the other exit is coupled thereto (see column 3, lines 15-32).

As per claim 55, Frey fails to teach:

An arrangement according to claim 52, wherein said computer includes an image storage for the display. However, Sizer teaches a system that targets audiovisual messages to users upon detecting the presence of the users (see column 4, lines 13-17) and where the messages are stored and hidden before displaying to the user (see

Art Unit: 3622

column 1, lines 44-50). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Frey would use the Sizer system to detect the presence of customers in one or more selected locations of the store (see Frey column 4, lines 3-8) and would target customers with audiovisual advertisements stored or hidden in the display's memory, as taught by Sizer. The audiovisual messages would give customers a better multimedia experience in comparison of displaying only text messages.

As per claim 56, Frey fails to teach:

An arrangement according to claim 52 in combination with at least one other same arrangement located in a different territory, said combination further comprising a central detection and evaluation unit cross-linked to said computer and an other computer of said at least one other same arrangement. However, Sizer teaches a system that targets advertisements to users upon detecting the presence of the users and where the display of the advertisements is centrally control (see Sizer column 7, lines 1-8). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Frey would use the Sizer system to detect the presence of customers in one or more selected locations of the store (see Frey column 4, lines 3-8) and would target advertisements to customers upon detecting their presence, as taught by Sizer. A central location would evaluate the impact of the advertisements in increasing shopping customers and sales, and would update and adjust the advertisements accordingly.

Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sizer et al (U.S. 5,923,252) in view of Frey (U.S. 5,138,638) and further in view of Fraser (U.S. 5,620,061).

As per claim 57, Frey fails to teach:

An arrangement according to claim 52, wherein said display includes a fiber optical display. However, Fraser teaches of the delivery of advertisements using a fiber optical display (see Fraser column 4, lines 1-8). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Frey would use fiber optical displays to deliver advertisements, as taught by Fraser. The Frey invention would determine whether the advertisements or special event messages delivered have increased the shopper units, and whether such increase in shopper units resulted in the expected increased sales (see Frey column 3, lines 42-53). The Fiber optical displays would show the advertisement and the Frey invention would analyze the effect on the customers.

Response to Arguments

5. Applicant's arguments filed 05/18/05 have been fully considered but they are not persuasive. The Applicant argues that Sizer teaches only dividing a total area into grids for better controlling of messages displayed in a grid in relation to goods that are located in the same grid but that Sizer fails to teach that the message and product are visually and audibly isolated from each other. The Examiner answers that Sizer teaches that the display of the messages is not located in the same grid. The outside of the store will be one grid (i.e. first range) and the inside of the store will be a different grid (i.e.

Art Unit: 3622

second range) (see column 3, lines 20-56; column 5, lines 1-25). And as seen by the column of Sizer above, the message to motivate the customer to enter the store is not the same message that will be displayed once the customer is inside the store and closer to the product.

The Applicant argues that is impermissible hindsight to modify Sizer so that product and images are separated. The Examiner answers that it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

The Applicant argues that the Examiner's supervisor agreed that Frey as modified by Sizer fails to teach separating the advertisements from products as discussed and that amending the claims to more clearly recite these limitations would overcome the currently applied rejection. The Examiner answers that claims 44 and 52 recite "a second range being visually and audibly isolated from said first range". Nowhere, in the Applicant's specification said limitation is taught or explained.

The Applicant argues that the prior art does not teach projecting messages to the customers occur before the step of presenting the goods and services in the second range. The Examiner answers that Sizer teaches presenting the goods and services to

Art Unit: 3622

customers detected outside a store (i.e. first range) before said customers comes inside said store (i.e. second range) (see Sizer column 5, lines 10-25).

The Applicant argues that the prior art does not teach that a third sensor and the register are located in the second location. The Examiner answers that Sizer teaches a register within a second range (see Sizer "items available for purchase within the petrol station" or inside of a retail outlet; column 5, lines 15-25) for detecting purchases of a portion of individuals who have received messages in said first range (see Sizer "fuel dispenser"; "outside of retail outlet"; column 5, lines 15-20) who purchased at least one of a goods or service presented in said message (see Sizer column 22, lines 15-25). In Sizer, the customer enters the second region (i.e. inside of the store) to pay for the item (i.e. sensor at the register) (see Sizer column 5, lines 1-25).

The Applicant argues that Sizer teaches at column 8, lines 10-15 providing messages only to people who are perceived to be interested in the products/service being marketed and this contradicts the Applicant's claimed invention of providing advertisements to all persons that enter the first location. The Examiner answers that Sizer teaches that the product and services messages are displayed to customer upon detecting the presence of said customer proximate to said product or service (see abstract). Sizer teaches in column 1, lines 55-65 "A number of prior art devices attempt to detect the presence of a person and to deliver a message to the person on detection of their presence. The problem with the majority of such devices, however, is that they do not operate to discriminate between people detected by the device. The message will be delivered whether or not the person has indicated any particular interest in the

Art Unit: 3622

message or whether or not the person would be likely to be interested in the message. This lessens the impact of the message". Therefore, Sizer teaches the deliver of messages to all peoples detected entering a location, where said messages are delivered without doing any type of discrimination between said peoples, similar to the Applicant's claimed invention.

Conclusion

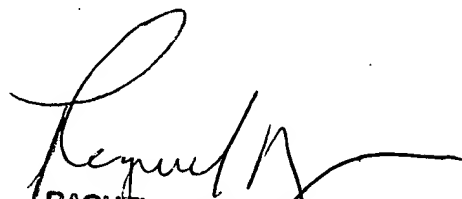
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The Examiner's Right fax number is 571-273-6720.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel Lastra
July 20, 2005



RAQUEL ALVAREZ
PRIMARY EXAMINER